

House Amendment 1266

PAG LIN

1 1 Amend the amendment, H=1215, to House File 598 as
1 2 follows:
1 3 #1. Page 1, line 12, by striking the word <thirty>
1 4 and inserting the following: <thirty=five>.
1 5 #2. Page 2, by striking lines 25 through 39.
1 6 #3. By striking page 2, line 42, through page 3,
1 7 line 25, and inserting the following:
1 8 _____. NEW SECTION. 901.5B REOPENING OF
1 9 SENTENCE FOR PERSONS SERVING SENTENCE SUBJECT TO
1 10 MAXIMUM ACCUMULATION OF EARNED TIME OF FIFTEEN
1 11 PERCENT.
1 12 1. A defendant serving a sentence under section
1 13 902.12 prior to the effective date of this Act, who is
1 14 sentenced by the court to the custody of the director
1 15 of the department of corrections, may have the
1 16 judgment and sentence reopened for resentencing if all
1 17 of the following apply:
1 18 a. The county attorney from the county which
1 19 prosecuted the defendant files a motion in the
1 20 sentencing court to reopen the sentence of the
1 21 defendant. The victim, if possible, shall be served a
1 22 copy of the motion by certified mail. The motion
1 23 shall specify that the county attorney, if possible,
1 24 has informed the victim about the filing of the
1 25 motion, and that the victim has thirty days from the
1 26 date of the filing of the motion to file a written
1 27 objection with the court.
1 28 b. No written objection is filed, thereby
1 29 requiring the court to grant the motion, or if a
1 30 written objection is filed, and upon hearing the court
1 31 grants the motion.
1 32 2. Upon the court granting the motion to reopen
1 33 the sentence, the court shall order that the defendant
1 34 be eligible for consideration of parole or work
1 35 release in the same manner as a defendant serving a
1 36 sentence under section 902.12.
1 37 3. For purposes of calculating earned time under
1 38 section 903A.2, the sentencing date for a defendant
1 39 whose sentence has been reopened under this section
1 40 shall be the date of the original sentencing order.
1 41 4. The filing of a motion or reopening of a
1 42 sentence under this section shall not constitute
1 43 grounds to stay any other court proceedings, or to
1 44 toll or restart the time for filing of any posttrial
1 45 motion or any appeal.>
1 46 #4. Page 4, lines 9 and 10, by striking the words
1 47 1 48 degree,>
1 49 #5. By renumbering as necessary.
1 50
2 1
2 2
2 3 _____
2 4 SWAIM of Davis
2 5 HF 598.502 80
2 6 jm/pj